

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRENDA TRAYLOR,

Plaintiff,

VS.

THE HAMPTON SENIOR LIVING,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:12-CV-3247

OPINION AND ORDER

The factual history of this employment discrimination case was previously summarized in the Opinion and Order issued by this Court on April 20, 2014 (Doc. 17). In that Order, the Court granted Defendant's motion for summary judgment on Plaintiff's claim for race discrimination under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5 *et seq.*, and deferred ruling on Defendant's motion for summary judgment as to Plaintiff's claim for age discrimination under the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(a)(1). The Court determined that Plaintiff had failed to meet her burden to establish a *prima facie* case for age discrimination under the ADEA by showing evidence of similarly-situated comparators who were treated less favorably than she under nearly identical circumstances. (Doc. 17 at 7). Nevertheless, because Plaintiff is proceeding *pro se*, the Court offered Plaintiff "one final opportunity to plead her best case by offering competent summary judgment evidence in the form of affidavits, depositions, or answers to interrogatories which designate specific facts showing that other employees who were outside Traylor's protected class also falsified time records yet were not terminated." (*Id.* at 7). Plaintiff was given thirty days in which to file such evidence. (*Id.*).

More than thirty days have passed since the entry of the Court's Order and Plaintiff has not filed a single document. Accordingly, the Court finds that Plaintiff has failed to make out a prima facie case of age discrimination and Defendants are entitled to summary judgment on her claim.

For the foregoing reasons, it is hereby

ORDERED that Defendant's Motion for Summary Judgment (Doc. 13) is **GRANTED** as to Traylor's claim for age discrimination and Traylor's case is **DISMISSED**.

Final judgment will be entered by separate document.

SIGNED at Houston, Texas, this 13th day of May, 2014.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE